

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**T.C. as next friend of STUDENT,
a minor child**

Plaintiffs

VS.

**LEWISVILLE INDEPENDENT
SCHOOL DISTRICT**

Defendant

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Case No. 4:13cv186

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

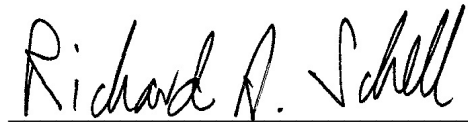
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 11, 2014, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Lewisville Independent School District's Motion to Dismiss Plaintiffs' First Amended Original Complaint (Dkt. 12) be GRANTED, that Plaintiffs' Section 504 and ADA be dismissed for failure to state a claim, and that only Plaintiffs' claims under the IDEA should proceed.

The court has made a *de novo* review of the objections raised by Plaintiffs (*see* Dkt. 30), as well as Defendant's response (*see* Dkt. 31), and is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit as to the ultimate findings of the Magistrate Judge. The court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

Therefore, Defendant Lewisville Independent School District's Motion to Dismiss Plaintiffs' First Amended Original Complaint (Dkt. 12) is GRANTED, and Plaintiffs' Section 504 and ADA are dismissed for failure to state a claim. Only Plaintiffs' claims under the IDEA shall proceed.

IT IS SO ORDERED.

SIGNED this the 29th day of September, 2014.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive style with a horizontal line underneath the name.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE